THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.1411 of 2006

Dated: 28-01-2006

Maddala Hanumantha Rao.

..... PETITIONER

AND

The Government of A.P. rep. by its Secretary and four others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.1411 of 2006

ORDER:

The District Level Committee for sand auctions in Krishna District conducted auction for Viparithalapadu sand reach in R.S.No.291 pursuant to a notification dated 26-06-2004. The auction was conducted on
15-07-2004. The fifth respondent herein became the highest bidder by quoting a sum of Rs.80,00,000/- (Rupees eighty lakhs only). As per Rule
9 H (1) of the Andhra Pradesh Minor Mineral Concessions Rules, 1966 ('the Rules' for brevity), the highest bidder is required to deposit 25% of the bid amount immediately and the balance amount within seven days or within such time as may be stipulated by the confirming authority. It appears that the fifth respondent did not deposit the balance amount though he deposited a sum of Rs.20,25,000/- (Rupees twenty lakhs twenty five thousand only) by 15-07-2004. The second respondent, the authority competent to confirm the auction, issued notice bearing Rc.No.3909/2003/pam.7, dated 10-03-2005 informing the fifth respondent to pay balance 75% amount of Rs.59,75,000/- (Rupees fifty nine lakhs seventy five

thousand only) within seven days from the date of receipt of notice and also to register the agreement. This order is assailed in this writ petition.

The learned counsel for the petitioner strenuously submits that the impugned order is contrary to Rule 9 H of the Rules and that the second respondent has no power or authority to extend time for payment of money by the fifth respondent when the auction was conducted on
15-07-2004.

A reading of the impugned notice dated 10-03-2005 would show that the fifth respondent was given time of seven days for paying the balance 75% amount from the date of receipt of notice. That means the time granted expired by 17th or 18th of March, 2005. The said order itself was valid till such date. Nothing enforceable remains in the order unless the District Collector grants further time. It is brought to the notice of this Court by the learned counsel for the petitioner himself that as per the instructions he received from his client, the District Collector recently i.e., on 29-12-2005 issued another order extending time for payment of the amount. If that be so, nothing prevents the petitioner to assail that order.

This writ petition is wholly misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

28th January 2006

ghn